

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARK IANTOSCA

Plaintiff,

-against-

ELIE TAHARI LTD.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 09/17/2020

1:19-cv-4527-MKV

NOTICE AND ORDER

MARY KAY VYSKOCIL, United States District Judge:

On September 9, 2020, the Court issued a Notice explaining that it had received from the U.S. Copyright Office a certified deposit copy of the works registered under Copyright Registration Number VA-1-150-161 [ECF No. 63]. The certified deposit copy contained a single photograph. It was readily apparent that the photograph the Court received from the Copyright Office with claim of copyright registered under VA 2-150-161 did not match the photograph serving as the basis for Plaintiff's cause of action that Plaintiff alleges is registered under number VA 2-150-161. Accordingly, the Court issued in an Order to Show Cause on September 9, 2020, directing Richard Liebowitz, counsel for Plaintiff, to show why sanctions should not be imposed and why the case should not be dismissed [ECF No. 64]. In response, Liebowitz filed a declaration explaining that two photographs were deposited under the Copyright Registration Number VA-1-150-161 and that the Copyright Office must have neglected to include a copy of the photograph at issue in this case [ECF No. 65].

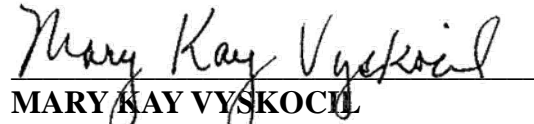
Given Liebowitz's response and evidence in the record substantiating his claims, the Court contacted the Copyright Office. Upon further review, the Copyright Office acknowledged that two photographs were deposited under Copyright Registration Number VA-1-150-161. The Copyright Office promptly reproduced and sent to the Court certified deposit copies of the two works

registered under Copyright Registration Number VA-1-150-161. The materials the Court received are as follows: (1) photocopies of the works deposited in the Copyright Office with claim of copyright registration under number VA 2-150-161; (2) a signed, sealed accompanying certification; and (3) an itemized receipt of payment. These materials are attached to this Notice and Order.

Based on the foregoing, IT IS HEREBY ORDERED that the Order to Show Cause dated September 9, 2020 [ECF No. 64], is closed as moot.

SO ORDERED.

Date: September 17, 2020
New York, NY


MARY KAY VYSKOČIL
United States District Judge





LIBRARY OF CONGRESS

*Copyright Office
of the United States*
WASHINGTON, D.C.

THIS IS TO CERTIFY, that the attached color photocopies are a true representation of the work entitled **MARK IANTOSCA** deposited in the Copyright Office with claim of copyright registered under number **VA 2-150-161**.

THIS IS TO CERTIFY ALSO, that due to the nature of the work deposited, the attached photocopies is the best possible electrostatic positive prints available.

THIS IS TO CERTIFY FURTHER, that deposits submitted electronically bear no identifying marks.

IN WITNESS WHEREOF, the seal of this Office is affixed hereto on September 15, 2020.

Maria Strong
Acting United States Register of Copyrights and Director



By: Jarletta Walls
Section Head
Records Research and Certification Section
Office of Public Records and Repositories

Use of this material is governed by the U.S. copyright law 17 U.S.C. 101 et seq.





UNITED STATES COPYRIGHT OFFICE

Receipt of Payment

RECORDS RESEARCH
& CERTIFICATION

Name: Daniel M. Vitagliano
 Address: Law Clerk to The Honorable Mary Kay Vyskocil
 United States Courthouse, 500 Pearl Street
 New York, New York 10007
 Phone: 212-805-0200

Completed Date: 9/1/2020
 Service Request No.: 1-9124516401 (TCLA)
 Registration No.: VA 2-150-161
 Title:
 Other:

Service	Unit Price	Quantity	Fee	Amount Paid
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Estimate

Estimate for retrieval (to be credited toward request)	\$200.00		\$ 0.00	
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Retrieval Services

Physical deposit	\$200.00 per hour (1 hour min.) or per 6		\$ 0.00	
Electronic deposit	\$200.00 per hour (1 hour min.)	1	\$ 200.00	\$ 200.00
Each additional 15 minutes	\$50.00		\$ 0.00	
Electronic application	\$200.00 per hour (1 hour min.)		\$ 0.00	
Each additional 15 minutes	\$50.00		\$ 0.00	
Physical correspondence	\$200.00 per 6		\$ 0.00	
Electronic correspondence	\$200.00 per hour (1 hour min.)		\$ 0.00	
Each additional 15 minutes	\$50.00		\$ 0.00	
Retrieval for inspection of correspondence (physical)	\$200.00		\$ 0.00	
Retrieval for inspection of correspondence (e-file)	\$200.00 per hour (1 hour min.)		\$ 0.00	
Retrieval for inspection of deposit (physical)	\$200.00		\$ 0.00	
Retrieval for inspection of deposit (e-file)	\$200.00 per hour (1 hour min.)		\$ 0.00	

Copy Services

Additional certificate	\$55.00		\$ 0.00	
Black and white	\$12.00		\$ 0.00	
Color	\$12.00	1	\$ 12.00	\$ 12.00
CD/DVD	\$12.00		\$ 0.00	
Flash drive	\$12.00		\$ 0.00	
Audio cassette	\$12.00		\$ 0.00	
Video cassette	\$12.00		\$ 0.00	

Additional Services

Litigation statement	\$100.00 per statement		\$ 0.00	
Certification	\$200.00	1	\$ 200.00	\$ 200.00
Double certified certificates	\$255.00		\$ 0.00	
Expedited service	\$500.00 per hour	1	\$ 500.00	\$ 500.00
Overnight shipping (FedEx)	\$45.00		\$ 0.00	
Fax	up to 7 pages (57 min.)		\$ 0.00	
Each additional page	\$1.00 per page		\$ 0.00	
Public photocopying	\$0.25 per page		\$ 0.00	
Outside Service (DUPL/MBRS)	\$		\$ 0.00	\$ 0.00

Search Services

Search estimate	\$200.00		\$ 0.00	
Litigation search	\$200.00 per hour		\$ 0.00	
Inspection search	\$200.00 per hour		\$ 0.00	
Search report	\$400.00 first 2 hours (2 hour min.)		\$ 0.00	
Each additional hour	\$200.00		\$ 0.00	

Other Services

	\$		\$ 0.00	
Total Fee			\$ 912.00	
Total Amount Paid				\$ 912.00
Refund				\$ 0.00